

**Rutgers, The State University of New Jersey**  
**Case No. 02-08-6001**  
**Resolution Agreement**

Rutgers, The State University of New Jersey (the University) submits this agreement to resolve Compliance Review No. 02-08-6001, which was commenced in 2008,<sup>1</sup> and ensure the University's compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681, and its implementing regulation at 34 C.F.R. Part 106, with respect to the following issues raised in the review: equal opportunities to participate in intercollegiate sports, the provision of reasonable opportunities for each sex to receive athletic scholarships and/or grants-in-aid in proportion to the number of students of each sex participating in intercollegiate athletics, the provision of equipment and supplies, the scheduling of games and practice times, the allocation of travel and per diem allowances, the opportunity to receive tutoring and assignment and compensation of tutors, the opportunity to receive coaching and the assignment and compensation of coaches, the provision of locker rooms, practice and competitive facilities, the provision of medical and training facilities and services, the provision of housing and dining facilities and services, the provision of support services, the recruitment of student athletes and publicity. In assessing compliance with this agreement, the Office for Civil Rights (OCR) will compare the availability, quality and kinds of benefits, opportunities, and treatment afforded to the University's male and female athletes in the identified program components to determine whether they are equivalent. Under this equivalency standard, identical benefits, opportunities, or treatment are not required as long as the effects of any differences are negligible. If a comparison of the benefits, opportunities and treatment afforded to males and females in the identified program components indicates that benefits, opportunities, or treatment are not equivalent, the University could still be in compliance with Title IX if the differences are shown to be the result of nondiscriminatory factors, such as the unique aspects of particular sports or athletic activities. The actions to be taken by the University will include but not be limited to, the specific actions discussed in the paragraphs set forth below. The University was found in compliance with Title IX with respect to the issues raised not set forth below.

**Action Item 1: Provision of Locker Rooms, Practice & Competitive Facilities**

Beginning with academic year 2014-2015, the University will take steps to ensure that it provides equal athletic opportunities for members of both sexes in the provision of locker rooms, practice and competitive facilities. Specifically, the University will provide its women's intercollegiate athletics teams with locker and team rooms of equivalent quality, size, amenities (defined to include size and quality of lockers as well as proximity and access to shower areas, toilets, and sinks) and proximity to competitive facilities as provided to the University's men's intercollegiate athletics teams.

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<sup>1</sup> At the start of OCR's review, the University was in the Big East athletic conference. On July 1, 2014, the University joined the Big Ten athletic conference. By signing this agreement, the University assures OCR that it understands its obligation to comply with Title IX regardless of the athletic conference in which it participates.

### **Reporting Requirements**

1. By June 1, 2015, the University will provide OCR with a chart detailing locker and team room assignments by team and sex, and the schedule of exclusive use, consistent with Action Item 1.
2. By June 1, 2016, and June 1, 2017, the University will submit documentation demonstrating what changes were made to the locker and team room assignments, if any, by team and sex, and the date(s) each of the changes was implemented.

### **Action Item 2: Publicity**

Effective the 2014-2015 academic year, the University will ensure that it provides equal athletic opportunities for members of both sexes in the provision of publicity. Steps taken by the University will include, but not be limited to:

- assigning sports information personnel (and/or other staff as necessary) of comparable experience to cover teams in such a manner that they will provide equivalent publicity (e.g. media coverage, statistics maintenance, attendance at games, and other services) to teams in both the men's and women's intercollegiate athletics programs;
- ensuring that other publicity resources (game highlights and press conferences and the option to purchase tickets featured on the University's website, and other promotional activities (band, dance team; and/or cheerleaders at games) are equivalent for the men's and women's programs;
- reviewing and revising, as needed, its procedures for seeking and obtaining media coverage for its men's and women's intercollegiate athletic teams, including radio and television coverage of athletic contests, to ensure that to the maximum extent within the control of the University, its men's and women's teams receive equivalent access to such coverage.

### **Reporting Requirements**

1. By February 16, 2015, the University will update the University's website to include game highlights, press conferences, etc. for women's teams so that the coverage is comparable to men's teams.
2. By February 16, 2015, February 1, 2016, and February 1, 2017, the University will provide OCR with the names and qualifications of professional staff assigned to publicize and promote each men's and women's team.
3. By February 16, 2015, the University will provide a written report to OCR describing its review of its procedures for seeking and obtaining media coverage for its men's and women's intercollegiate athletic teams and any revisions to these procedures.

4. By June 1, 2015, June 1, 2016, and June 1, 2017, the University will provide OCR with documentation of the publicity support provided to all of its intercollegiate athletics teams.

**Action Item 3: Support Services**

Effective the 2014-2015 academic year, the University will ensure that it provides equal athletic opportunities for members of both sexes in the provision of support services. Specifically, the University will ensure that the office space provided for the coaches and administrative staff of men's and women's teams is substantially equivalent.

**Reporting Requirement:** By June 1, 2015, OCR will schedule an onsite visit to inspect coaches and administrative office space for the men's and women's teams to ensure they are equivalent.

**Action Item 4: Travel and Per Diem Allowance**

- The University represented that effective the 2014-2015 academic years, it implemented a policy of providing charter flights for all air travel for the women's basketball team. The University will continue to ensure that it provides equal athletic opportunities for members of both sexes in the provision of charter air travel.
- Effective academic year 2014-2015, the University will review and revise its athletics travel expenses for men's and women's athletics teams to ensure that such expenditures are provided in proportion to their rates of participation.

**Reporting Requirements**

1. By June 1, 2015, the University will provide documentation to OCR confirming that during academic year 2014-2015, it provided the women's basketball team with chartered flights for all air travel.
2. By September 15, 2015, September 15, 2016, and September 15, 2017, the University will provide documentation of the travel expenditures provided to the members of its men's and women's intercollegiate athletics teams.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the University understands that during the monitoring of this Agreement, OCR may visit the University, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. § 106.41, which was at issue in this compliance review. The University understands that OCR will not close the monitoring of this Agreement until OCR determines that

the University has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. § 106.41. The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

1/20/15  
Date

/s/  
Monica C. Barrett  
Interim Senior Vice President and General  
Counsel on behalf of Rutgers, The State  
University of New Jersey